

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 11, 2022**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RILEY G.,<sup>1</sup>

Plaintiff,

v.

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,

Defendant.

No. 1:22-cv-3029-EFS

**ORDER GRANTING THE PARTIES'  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)**

The parties agree that this matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings as set forth below.<sup>2</sup> The parties also agree that Plaintiff is entitled to reasonable attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

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<sup>1</sup> For privacy reasons, the Court refers to Plaintiff by first name and last initial or as "Plaintiff." See LCivR 5.2(c).

<sup>2</sup> See ECF No. 11.

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 11**, is

**GRANTED.**

2. Judgment shall be entered for **Plaintiff**.

3. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:

- further evaluate Plaintiff's residual functional capacity and, in so doing, reassess Plaintiff's subjective symptoms pursuant to Social Security Ruling 16-3p;
- if warranted by the expanded record, obtain supplemental vocational expert evidence to clarify the effect of assessed limitations on Plaintiff's ability to perform work available in significant numbers in the national economy;
- offer Plaintiff the opportunity for a hearing;
- take any further action needed to complete the administrative record, including considering the new evidence submitted to the Appeals Council; and
- issue a new decision.

4. All pending motions are **DENIED AS MOOT**.

5. All hearings and other deadlines are **STRICKEN**.

6. If filed, the Court will consider Plaintiff's motion for fees and expenses under the Equal Access to Justice Act.

7. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this order and provide copies to all counsel.

**DATED** this 11<sup>th</sup> day of October 2022.

s/Edward F. Shea

EDWARD F. SHEA  
Senior United States District Judge